

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 486 OF 2015

Au Financiers India Ltd.

... Applicant

V/s.

State of Maharashtra & Anr.

... Respondents

Ms. Mugdha J. Patil for the Applicant.

Ms. Anamika Malhotra, A.P.P. for the State.

CORAM : A. V. NIRGUDE, J.

DATE : 16th NOVEMBER, 2015.

P.C. :

This Revision Application challenges the order dated 23.07.2015 passed by the learned Additional Session Judge-5, Nashik, refusing to deliver vehicle seized in a criminal case to the applicant who had financed the vehicle. The vehicle involved in this case is a passenger car. It was seized during the investigation of Narcotic Drugs and Psychotropic Substances Case. It was alleged that this car was used for transportation of psychotropic drugs. The owner of the vehicle, the applicant has not met the accused who is respondent No.4. The application came to be rejected only because the vehicle in question is likely to be confiscated ultimately if the offence is proved as per the provisions of Section 60 of Narcotic Drugs and Psychotropic Substances Act, 1985. The applicant is a

finance Company who had admittedly financed Respondent No.2 for purchase of the vehicle. There is an agreement between these two parties for hypothecation. On one hand, agreement says that the borrower would be bailee and the applicant would be bailer but on the other hand the applicant does not claim ownership of the property. Agreement also mentions that vehicle in question is a collateral security. The applicant either will have to wait until the trial is over for getting the vehicle back as per the provisions of Section 60 of Narcotic Drugs and Psychotropic Substances Act, 1985 or to recover the amount from the borrower by adopting lawful means. The Revision thus fails.

3 The Revision Application is dismissed.

(A.V.NIRGUDE, J.)